



**Community Development**  
10000 Centennial Parkway  
Sandy, Utah 84070  
Telephone # (801) 568-7250  
Facsimile # (801) 568-7278

# **Alleged Error Review Application Requirements**

Revised December 2007

## **Introduction to the Board of Adjustment**

The City is constantly changing and therefore requires guidance for orderly growth. The Sandy City General Plan provides the general guidance as to how various areas of the city should develop. The Development Code (Zoning Ordinance) is the principal tool used to actually control growth, improve the physical environment of the city and protect property values through the regulation of land uses. However, occasionally Planning Department Staff or the Planning Commission may make a decision that is not popular with affected parties. State law allows the Board of Adjustment to consider the facts of the "alleged error" to decide whether or not the decision was reached properly.

## **Board of Adjustment Authority**

Utah State law grants the Board of Adjustment its authority. Very specific guidelines are established by State law which restricts the Board's power and authority. The following guidelines are from the Sandy City Development Code. They provide the framework under which the Board must consider an alleged error request:

### **15-01-33 Appeals to the Board of Adjustment**

#### **A. Alleged Errors**

- a. The applicant or any other person or entity adversely affected by a decision administering or interpreting a zoning ordinance may appeal that decision applying the zoning ordinance by alleging that there is error in any order, requirement, decision, or determination made by an official in the administration or interpretation of the zoning ordinance.
  - b. The appeal to the board shall be filed with the Community Development Department within thirty (30) days from the date of decision.
  - c. Any officer, department, board, or bureau of a municipality affected by the grant or refusal of a building permit or by any other decisions of the administrative officer in the administration or interpretation of the zoning ordinance may appeal any decision to the Board of Adjustment.
2. The person or entity making the appeal has the burden of proving that an error has been made.
    1. Only zoning decisions applying the zoning ordinance may be appealed to the Board of Adjustment.
    2. A person may not appeal, and the Board of Adjustment may not consider, any zoning ordinance amendments.
  3. Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance.

## **Application Requirements**

Complete the required application requirements for the Board of Adjustment (see the next page for a checklist of application requirements). In preparing your application and associated materials, be as detailed and specific as possible. Incomplete or inadequate information may result in your case being delayed or possibly denied. **The Board cannot overturn a decision simply because an applicant has requested it.** The burden of proof rests upon you as the applicant to show that the decision was reached improperly. If you fail to support your request, the Board cannot approve your application.

## **Information Required For a Complete Submittal**

1. \_\_\_\_\_ **Completed Board of Adjustment Application Form** (Including proof of ownership of property or proof that applicant is a certified agent for property owner).
2. \_\_\_\_\_ Submit a **Plot Plan** drawn **to scale** on a minimum size paper of 8.5" x 11". The Plot Plan must include the following information (when applicable):
  - a. Actual lot dimension.
  - b. Size and locations of existing and proposed structures and improvements, including fences, driveways, and storage sheds.
  - c. Distances between all improvements and property lines.
3. \_\_\_\_\_ **Building elevations, floor plans and any other pertinent information** (when applicable).
4. \_\_\_\_\_ In a detailed **letter to the Board**, please specify how you feel the Planning Commission or Administrative Staff erred in their decision in the application of the Land Development Code. Be as detailed as possible. Include all relevant information that will support your position.
5. \_\_\_\_\_ **Legal Description and Address** of Property (when applicable)
6. \_\_\_\_\_ **Other Information** which will aid the Board of Adjustment in making a proper determination (as may be determined by the Planning Staff):
7. \_\_\_\_\_ **Property plat** with aerial photographs (Sidwell maps) from the Salt Lake County Recorder's Office, 2001 South State Street, Government Center, North Building, Salt Lake City, Utah. Your property should be clearly marked in red.
8. \_\_\_\_\_ **Names and Addresses of all Property Owners** of Current Record, including your own, within 300 feet in all directions of the proposed project area, typed on mailing labels. (This information is available from the Salt Lake County Recorder's Office, 2001 S. State St.)
9. **Filing Fees:** \_\_\_\_\_ **\$275.00** - Non-Refundable (Verify fee with Staff)

Please remember that the information you submit will be the basis for review by the Board of Adjustment. Be as complete as possible. If you feel that additional information is needed (such as photographs, affidavits, or further written responses), please attach separate sheets. In the case of Alleged Errors, it is not unusual for your narrative to extend over many pages. If you have any questions, please ask for assistance by calling Brian McCuiston at (801) 568-7268, Sandy City Zoning Administration. CITY EMPLOYEES CANNOT PROVIDE YOU WITH LEGAL ADVICE OR ADVISE OF YOUR CHANCES OF SUCCEEDING.

**NOTE:** It is required that each case up for hearing be presented and argued before the Board of Adjustment either by the petitioner or an authorized agent. If no one appears to argue your application, the Board may still hear the case and take action in your absence.

If for some reason you are unable to attend the meeting due to a personal emergency, you must call the Zoning Administration at (801) 568-7268 no later than 5:00 p.m. on the day of the hearing. If no arrangements are made, the Board of Adjustment will hear and decide your case with or without your presence.

## **Appealing a Board of Adjustment Decision**

Any appeal of the decision of the Board of Adjustment must be made within thirty [30] days to the appropriate District Court of the State of Utah. The proper forms and procedure for filing such an appeal may be obtained from the District Court or the attorney of your choice. Sandy City **DOES NOT** have this information and cannot assist you in any way with the filing of any appeal of a Board of Adjustment decision. Copies of the case file, including all evidence submitted will be made available to interested parties. You may make a copy of the audio tape of the proceedings at our offices located at 10000 Centennial Parkway, Suite 210, Sandy, Utah.